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NOV 07 2005

DATE: November 7, 2005

TO: **Amendment**
Commissioner for Patents

ATTN: **Examiner:** Jean Alland Gelin
Art Unit: 2681

FAX NUMBER: (571) 273 8300

FROM: Roberta A. Young, Attorney for Applicant
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Total Number of Pages Sent: 3 **(including this transmittal cover sheet)**

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ATTORNEY DOCKET NO.: PA792D1

ENCLOSED ARE:

- Terminal Disclaimer (2 pages)

APPLICANT: Tiedemann et al.

ASSIGNEE: QUALCOMM Incorporated

SERIAL NO.: 09/779-719

FILED: February 8, 2001

**FOR: METHOD AND APPARATUS FOR MAXIMIZING THE USE OF AVAILABLE CAPACITY
IN A COMMUNICATION SYSTEM**

Please contact Tram Le at (858) 651 - 4463 if all pages do not transmit.

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Attorney Docket No. PA792D1
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of)
 Tiedemann et al.) For: METHOD AND APPARATUS
) FOR MAXIMIZING THE USE OF
) AVAILABLE CAPACITY IN A
) COMMUNICATION SYSTEM
 Serial No. 09/779,719) Examiner: Toan D. Nguyen
 Filed: February 8, 2001) Group No.: 2665

TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING REJECTION
UNDER 37 CFR §1.321(c)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Roberta A. Young, am the attorney of record for this invention. The assignee, QUALCOMM Incorporated, is located at 5775 Morehouse Drive, San Diego, California 92121.

EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is the whole of this invention.

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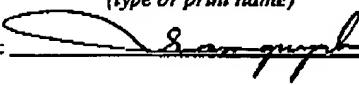
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The terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154-156 and 173 of United States Patent No. 6,317,435 is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,317,435, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the above identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154-156 and 173 of United States Patent No. 6,317,435, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims canceled by a reexamination certificate, is reissued in any manner or are terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

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Respectfully submitted,

Dated: November 7, 2005

By: Roberta S. Young
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